

REMARKS

I. Status of Application

Claims 1-6 and 8-25 are all the claims pending in the application. Claims 1-6 and 8-23 presently stand rejected.

By the present amendment, Applicant adds claims 24-25 to more fully cover various implementations of the invention.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Formalities

The Examiner did not indicate whether the Formal Drawings filed on February 20, 2004 are accepted. Applicant respectfully requests that the Examiner acknowledge and approve the aforementioned Formal Drawings.

III. Claim Objections

The Examiner has objected to claim 8 alleging that the claim is unclear as to what elements are “disposed in a moving object.” Applicant has amended claim 8, as set forth above, to more clearly recite the feature of “wherein said display means is disposed in a moving object.”

By way of illustration, as described in the present specification, the optical limitation circuit 202, shown in FIG. 3, and the optical limitation circuit 303 in FIG. 5 are both disposed in a moving object. As such, the informalities noted by the Examiner have been corrected and Applicant respectfully requests that the Examiner withdraw this objection.

IV. Claim Rejections under 35 U.S.C. §103

Claims 1, 3-6, 8, 11, 13, 15-19, and 22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shin (US 5,078,476) in view of Beard (US 5,747,938). Claims 2 and 14 rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shin and Beard in view of Kurzman (US 5,057,977). Claims 9, 10, 20, and 21 rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shin and Beard in view of Weindorf (US 6,396,217). Claims 12 and 23 rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Shin and Beard in view of Hyman (US 5,637,093). Applicant traverses all of these rejections for *at least* the reasons set forth below.

First, in order for the Examiner to maintain a rejection under 35 U.S.C. §103, Shin, Beard, or some combination thereof, must teach or suggest all of the recitations of the rejected claims. Applicant respectfully submits that neither Shin, Beard, nor any combination thereof teaches or suggests all of the recitations of the rejected claims.

A. Independent Claim 1

Independent claim 1 requires the feature of an optical limitation means for limiting light emitted out of a lighting means when said use detection signal from said use detection means indicates that said display means is placed in use. The Examiner acknowledges that Shin fails to teach or suggest this feature. Nevertheless, the grounds of rejection apply the teachings of Beard, alleging that Beard remedies the deficient teachings of Shin.

Applicant respectfully disagrees. Beard fails to teach or suggest the feature of an optical limitation means for limiting light emitted out of a lighting means when a display means is placed in use. Quite to the contrary, Beard teaches that the microcontroller 16 may adjust the

drive to the power supply unit 12 with a predetermined algorithm until the light output of the EL panel 10 is at an optimum level. No aspect of Beard teaches, or even remotely suggests, the feature of limiting light emitted out of a lighting means when a display means is placed in use, as claimed. In contrast, Beard merely teaches adjusting the light output of the EL panel 10 until it is at an optimum level, with no suggestion regarding limiting light when a display means is placed in use. Thus, Applicant submits that claim 1 is patentable over the cited references for *at least* these reasons.

Second, all of the above rejections are premised upon the allegation that it would have been obvious to one of ordinary skill in the art to modify the teachings of Shin with those of Beard. Applicant submits that it would not have been obvious to a skilled artisan to combine the teachings of Shin and Beard for *at least* three fundamental reasons.

First, Shin explicitly teaches away from the modification proposed by the grounds of rejection. Shin is directed to a backlight power controller for preventing electric power from being consumed unnecessarily by turning the backlight off when there is no video signal input. Thus, in direct opposition to claim 1, Shin teaches to turn on the backlight according to a pulse signal of a generating member when a video signal input is provided. However, claim 1 requires the feature of limiting emitted light when said display means is placed in use. Therefore, Shin explicitly teaches away from the claimed feature of limiting emitted light when said display means is placed in use. Indeed, Shin does not teach to limit light when a display means is placed in use, but instead teaches just the opposite—to turn on the backlight. A reference that teaches away from the claimed invention is a significant factor in determining obviousness and the

nature of that teaching is highly relevant and must be weighed in substance. See *In re Gurley*, 31 U.S.P.Q.2d 1130 (Fed. Cir. 1994).

Second, if a skilled artisan were to modify the teachings of Shin as proposed by the grounds of rejection, so that Shin's backlight controller limited light when a display means is placed in use, such a modification would fundamentally change the principle of operation of Shin, which teaches turning on the backlight when a display means is placed in use. And, MPEP § 2143.01 makes clear that, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.¹

Third, there would have been no motivation for a skilled artisan to combine the teachings of Shin and Beard to arrive at the present invention because both Shin and Beard are both directed to fundamentally different control mechanisms than that recited in claim 1. Indeed, Shin and Beard both relate to the control of an internal backlight output so as to improve the poor viewability of an LCD screen resulting from the ambient lighting condition. On the other hand, claim 1 relates to the control of an external light source so as to limit the light emitted from the external light source and incident upon a screen of the display unit.

Accordingly, the invention recited in claim 1 is completely different from the cited references in terms of its control object and a skilled artisan would not have been motivated to look toward internal backlight control mechanisms to control an external light source. As such,

¹ See also *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Applicant submits that claim 1 is patentable over the cited references for *at least* these additional reasons.

Further, the dependent claims 2-6 and 7-12 are patentable *at least* by virtue of their dependency. With respect to the recitations of claim 2, for instance, Shin and Beard both teach lighting a backlight associated with the display in accordance with a startup signal only in a case that the display is placed in a visible position and there is a video signal input. However, neither Shin nor Bear teach or suggest the feature of sending out a use detection signal when detecting that said display means is pulled out from an accommodating means, as claimed.

And, with respect to claims 9-10, both Shin and Beard are relate to the control of a backlight which is built into the display unit. However, claims 9 and 10 are directed to controlling a lighting means, which is disposed outside the display means or disposed at an inner area of a vehicle to provide interior lighting, respectively. That is, the invention recited in claims 9 and 10 provides a lighting control apparatus that controls a lighting device (e.g., lighting device 6) and reduces the light emitted from the lighting device, and not to adjust the luminance of a backlight as taught by the cited references. Indeed, Shin and Beard both relate to apparatuses that are operated to control the backlight by reducing the light emitted from the backlight or turning the backlight off altogether. Accordingly, the apparatuses taught in Shin and Beard cannot possibly prevent users from having difficulties in seeing images displayed on the screen of the display unit, as achieved by the claimed invention. In short, the claimed invention is fundamentally different in both function and control from the backlight of the cited references.

Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claim 13

In view of the similarity between the requirements of claim 13 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 13. As such, it is respectfully submitted that claim 13 is patentably distinguishable over the cited references *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claims 14-23 are allowable *at least* by virtue of their dependency on claim 13. Thus, the allowance of these claims is respectfully solicited of the Examiner.

V. New Claims

New claims 24-25 have been added to cover various implementations of the invention and are supported *at least* by FIG. 1 of the original specification. No new matter has been added. Applicant submits that claims 24-25 are patentable *at least* by virtue of their dependency and by virtue of the recitations set forth therein.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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